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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

HUMAN RIGHTS QUESTIONS

UNITED NATIONS DECADE OF INTERNATIONAL LAW

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Letter dated 23 December 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of the reservations by the Verkhovna Rada of Ukraine to the Agreement establishing the Commonwealth of Independent States signed on behalf of Ukraine at Minsk on 8 December 1991, together with the text of the relevant statement by the Verkhovna Rada of Ukraine dated 20 December 1991 (see annexes).

I should be grateful if you would have the text of this letter and its annexes circulated as an official document of the General Assembly under the items entitled "Review of the implementation of the Declaration on the Strengthening of International Security", "Human rights questions", "United Nations Decade of International Law" and "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

(Signed) Gennadi I. OUDOVENKO
Ambassador
Permanent Representative of Ukraine
to the United Nations

[Original: Russian]

ANNEX I

Reservations by the Verkhovna Rada of Ukraine to the Agreement establishing the Commonwealth of Independent States signed on behalf of Ukraine at Minsk on 8 December 1991

A.

1. Pursuant to article 3, each of the High Contracting Parties, desirous of facilitating the expression, preservation and development of the distinctive ethnic, cultural, linguistic and religious characteristics of the national minorities resident in its territory and of the unique ethno-cultural regions that have come into being, will extend protection to them.

2. Pursuant to article 5 of the Agreement, the High Contracting Parties acknowledge and respect each other's territorial integrity and the inviolability of the existing State borders between them.

They guarantee on a mutual basis openness of the State borders existing between them for unimpeded contact between their citizens and the transmission of information within the Commonwealth, and to this end will in the near future draw up the appropriate basis in law.

3. Pursuant to article 6, the States members of the Commonwealth, re-forming the units of the armed forces of the former Union of Soviet Socialist Republics stationed in their territories and creating their own armed forces on the basis thereof, will cooperate in safeguarding international peace and security and implementing effective measures for the reduction of armaments and military expenditures. They are striving to eliminate all nuclear weapons and achieve universal and complete disarmament under strict international control.

The parties will respect the efforts of the participants in the Agreement who wish to attain the status of a nuclear-free or neutral State.

The States members of the Commonwealth will maintain, and retain under joint command, a common military and strategic space and unified control over nuclear weapons, the procedure for implementing which will be regulated by special agreement. This provision shall cease to apply with respect to Parties on whose territory nuclear weapons are destroyed in accordance with an international agreement and under international control.

They also jointly guarantee the necessary conditions for the deployment and functioning and the material and social security of the strategic armed forces.

The Parties undertake to pursue an agreed policy on issues of social welfare and provision of pensions for military personnel and their families.

4. Pursuant to article 7 of the Agreement, the High Contracting Parties recognize that the spheres of their cooperation, conducted on an equitable basis through common coordinating institutions of the Commonwealth, include:

- Consultation in the field of foreign policy;

- Development of a common economic space, participation in Europe-wide and Eurasian markets, and customs policy;

- Development of their own transport and communications systems;

- Protection of the environment and participation in establishing a comprehensive international system of environmental security;

- Migration policy;

- Combating organized crime.

The coordinating institutions will be established on the basis of parity, and their recommendations will be adopted by consensus.

5. Pursuant to article 9, disputes regarding the interpretation and application of the provisions of the present Agreement shall be resolved by means of negotiations on the basis of international law.

6. Pursuant to article 10, each of the High Contracting Parties reserves the right to suspend or terminate the application of this Agreement or individual articles thereof by giving the parties to the Agreement one year's notice.

The provisions of this Agreement may be supplemented or modified by mutual agreement among the High Contracting Parties.

7. Article 11 of the Agreement should be deleted as tautological.

8. Pursuant to article 12, the High Contracting Parties undertake to discharge, in accordance with their national legislation, the international obligations incumbent upon them under treaties entered into by the former Union of Soviet Socialist Republics.

9. This Agreement is subject to ratification and shall enter into force from the moment of exchange of the instruments of ratification. The exchange of the instruments of ratification shall take place at Minsk. The depositary of the Agreement shall be the Government of the Republic of Belarus.

10. In the first preambular paragraph, after the words "Union of Soviet Socialist Republics as a" insert the word "State".

11. In the third preambular paragraph, after the words "setting up" insert the word "independent".

12. In the fourth preambular paragraph, after the words "in internal affairs,", insert the words "of territorial integrity and inviolability of frontiers,".

I. PLUSHCH
Chairman of the Verkhovna Rada
of Ukraine

10 December 1991

B.

In view of the importance to the fate of Ukraine of the content of the Agreement signed at Minsk, it is proposed that one further addition should be made to the Reservations already adopted by the Verkhovna Rada of Ukraine.

1. Amend the title of the Agreement, deleting the word "establishing" and writing the word "commonwealth" with a small initial letter. The heading should read: "Agreement on the commonwealth of independent States".

2. For consistency with this, amend article 1 to read:

"The High Contracting Parties hereby take a decision on the commonwealth of independent States."

3. Article 6 should begin with the words "The High Contracting Parties" instead of "The States members of the Commonwealth".

4. The third paragraph of article 6 should begin with the words "The High Contracting Parties" instead of "The States members of the Commonwealth".

Adopted by the Verkhovna Rada of Ukraine
on 12 December 1991